

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR406
)	
v.)	
)	
GILBERT A. HERNANDEZ and)	ORDER
LUISANA MIRANDA,)	
)	
Defendants.)	
_____)	

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 51) in which he recommends that the motions to suppress filed by the defendant Gilbert Hernandez (Filing No. 27) and Luisana Miranda (Filing No. 35), and the objections of the defendant Hernandez (Filing No. 52). The Court has reviewed the transcript of the hearing on defendants' motions, including the taped record of the traffic stop, the briefs filed by the parties, the objections of the defendant to said report and recommendation, and the report and recommendation of the magistrate judge and finds that it should be approved and adopted by the Court. Accordingly,

IT IS ORDERED:

- 1) The report and recommendation of the magistrate judge is approved and adopted;
- 2) Defendants' motions to suppress are denied;

3) Trial of this matter is scheduled for:

Monday, October 2, 2006, at 9 a.m.

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The first available date on the Court's schedule for a trial is October 2, 2006. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between August 10, 2006, and October 2, 2006, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of August, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court